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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,103	06/29/2000	Hiroyasu Fujinaka	MAT-7985US	8126

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EXAMINER

LAM, THANH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 02/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/607,103

Applicant(s)

Fujinaka

Examiner

Thanh Lam

Art Unit

2834

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Election filed on 12/19/2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above, claim(s) 2-41 and 43-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

Art Unit: 2834

### **DETAILED ACTION**

1. Applicant's election with traverse of claims 1 and 42 correspond to species A in Paper No. 6 is acknowledged. The traversal is on the ground(s) that the claims are grouping into two groups. This is not found persuasive because it appears that the Applicant's grouping group (I) and (II) as combination/subcombination. This is not the restriction requirement. The restriction requirement is drawn to species restriction evidently Applicant has claimed more than one embodiment (see paper 5 for details). Regarding identified genetic claims, the genetic claim is defined as the most general claim that can be read on any embodiment. Applicant's identified a number of claims such as claims 2, 15, 16, 17, 45, 46, 47, 48 as genetic claims. This deems to be improper according to the definition of a "genetic claim" as mentioned in previous action. Identified genetic claims by Applicant that have been evidently shown many embodiments are claimed. Therefore, the species restriction is proper.

The requirement is still deemed proper and is therefore made FINAL.

According Applicant's election filled on 12/19/2001, only claims 1 and 42 of species A are prosecuted in this office action.

### ***Priority***

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Art Unit: 2834

***Specification***

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1 and 42 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding the limitation "said slots have an electrical angle" cited in claims 1 and 42, the limitation is not clear that a single slot or a total of the slots which have the range of an electrical angle as cited in the claims 1 and 42. Moreover, the total of the slots that are appear to be impossible to have an electrical angle between 80 degrees and 95 degrees, and 20 degrees and 35 degrees.

Art Unit: 2834

In light of the specification and drawings, the limitation has been understood as following  
"one of the slots which has an electrical angle between 80 degrees and 95 degrees, and 20  
degrees and 35 degrees"

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1 and 42 are rejected under 35 U.S.C. 102(b) as being anticipated by Tajima et al.  
(PN. 4,672,253)

Tajima et al. disclose a core for use in a motor, the motor including N and S magnetic poles for generating a magnetic field to which the core is opposed, the core comprising: a plurality of slots formed in the core, one of the slots (8b3) has an electrical angle which is between 20 degrees and 35 degrees (col.11, lines 25-30), a number of the magnetic poles is  $2m$  ( $m=2$ ) and a number of the slots is  $3n$  ( $n=2$ ).

Regarding claim 42, Tajima et al. disclose a motor including: magnetic field generating means having N and S magnetic poles (2) for generating a magnetic field; and a core (4) made of magnetic material and opposed to the magnetic field generating means; wherein one of the

Art Unit: 2834

magnetic field generating means and the core rotates with respect to the other, wherein a number of the magnetic poles is  $2m$  ( $m = 2$ ) and a number of slots of core is  $3n$  ( $n=3$ ), and a plurality of slots formed in the core, one of the slots has an electrical angle which is between 20 degrees and 30 degrees (col.11, lines 25-30).

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3431.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.

A handwritten signature in black ink, appearing to read 'Thanh Lam', with a stylized, flowing script.

Thanh Lam

Patent Examiner

Feb. 04, 2002